

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. The examiner's continued diligence and efforts in this application are greatly appreciated.

Regarding the Rejections Under 35 U.S.C. §103

Claims 1-14, 16-19, 21-22 and 24-38 are rejected under 35 USC 103(a) as being unpatentable over Demartines et al. (US Patent 6,661,409), hereinafter the '409 reference, in view of Tan et al. (US Patent 5,917,493), hereinafter the '493 reference. Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Demartines et al. (US Patent 6,661,409), hereinafter the '409 reference, in view of Tan et al. (US Patent 5,917,493), hereinafter the '493 reference, and further in view of Haneda et al. (US Patent 5,698,822). Claim 23 is rejected under 35 USC 103(a) as being unpatentable over Demartines et al. (US Patent 6,661,409), hereinafter the '409 reference, in view of Tan et al. (US Patent 5,917,493), hereinafter the '493 reference, and further in view of Kuriyama et al. (US Patent 5,838,302), hereinafter the '302 reference. Applicant respectfully traverses these bases of rejection of the pending claims.

Applicant submits the 1.132 declaration of inventor Giovanni Seni to establish that the '409 reference is a publication of Applicant's own invention, in accordance with MPEP 715.01(c) and MPEP 716.10. It is noted that Mr. Seni is a co-inventor of the '409 reference.

The Declaration of Mr. Seni supports Applicant's assertion that the subject matter disclosed and claimed in the instant application, to the extent that it is disclosed in the '409 reference, is Mr. Seni's own work of which he is the sole inventor. The declaration states that the combination of a display element operable to display digital ink in an ink only mode in combination with a scrolling or conveyer mechanism (as in claim 32) is the invention of Mr. Seni. Mr. Seni acknowledges that while he and Mr. Demartines did work together in this technology area while at assignee Motorola, at the time of the invention of this subject matter, they were no longer working together on this technology area.

The use of a Rule 132 declaration to aver co-authorship and remove the '409 as a reference was discussed with Examiner William Boddie on several occasions, including November 14 and December 2, and Applicant is appreciative of his helpfulness in this regard. If there remain any issues or concerns, the courtesy of a phone call is earnestly solicited.

Applicant respectfully submits that the '409 reference should be removed as a valid basis of rejection of the instant claims, whether considered singly or in combination, in light of Mr. Seni's declaration. Reconsideration and allowance of the pending claims is therefore respectfully requested at the Examiner's earlier convenience.

Concluding Remarks

In light of the foregoing reasons, Applicant respectfully asserts that the remaining claims define patentable subject matter over the art of record.

The undersigned additionally notes that other distinctions may exist between the cited art and the claims, and reiterates the distinctions previously discussed in the prior response. In view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to explicitly address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview and may be reached at the telephone number below.

Respectfully submitted,

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